

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

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CLERK, U.S. DISTRICT COURT

By Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

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§

v.

NO. 3:05-CR-0134-N

STEVEN KYLE MAXWELL

**FACTUAL RESUME**

Defendant Steven Kyle Maxwell, the defendant's attorney, David Finn, and the United States of America (the government), agree that the following accurately states the elements of the offense and the facts relevant to the offense to which the defendant is pleading guilty:

**ESSENTIAL ELEMENTS**

The essential elements of a violation of 49 U.S. C. § 46504, Interference with Flight Crew Members and Attendants, are the following:

- First:* That the defendant was on board an aircraft in flight in the special aircraft jurisdiction of the United States;
- Second:* That the defendant knowingly assaulted or intimidated a flight crew or flight attendant of the aircraft;
- Third:* Such assault or intimidation interfered with the performance of the duties of the flight crew or flight attendant or lessened the ability of the crew or attendant to perform those duties.

### FACTUAL STIPULATIONS

1. In or about July 2004, Southwest Airlines (SWA) operated a flight, designated SWA #1222, between Houston, Texas, and Tulsa, Oklahoma. This flight operates entirely in United States' airspace.
2. On July 25, 2004, SWA #1222, as scheduled, departed Houston's Hobby Airport for Tulsa, Oklahoma. This flight was not scheduled to stop in Dallas, Texas, and prior to departure SWA had not filed any flight plans for this flight anticipating or otherwise making any arrangements for a stop in Dallas, Texas. The flight crew consists of a pilot, a co-pilot, and three flight attendants.
3. Stephen Kyle Maxwell and his wife, Deanna Maxwell, were ticketed passengers on SWA #1222 on July 25, 2004. The Maxwells boarded SWA #1222 in Houston, Texas; Steven Kyle Maxwell (Maxwell) sat in Seat 23A, next to the window, and his wife sat in Seat 23C, on the aisle. In February 2002, Maxwell was involved in an automobile accident resulting in, among other injuries, a broken hip.
4. After SWA #1222 had been airborne 10-20 minutes, in and around the time the flight passed through 10,000 feet, the passenger seated directly in front of Maxwell reclined his seat several times, each time making contact with Maxwell's legs. Maxwell verbally threatened and physically confronted this passenger. Additionally, at or around this time, Maxwell physically struck the window and surrounding structure in the area of seats 22A-23A.

5. As a result of Maxwell's actions, at least two of the flight attendants on the flight were required to intercede in the confrontation and to focus their attention almost exclusively on Maxwell. During the confrontation, Maxwell physically grabbed the arm of one flight attendant, causing some pain and bruising.

6. Although Maxwell's conduct never in fact jeopardized the safety of the aircraft, as a result of Maxwell's actions and behavior, and his continuing confrontations with the flight attendants and passengers, the flight crew concluded that Maxwell had to be restrained and the flight diverted to the nearest available airport. Maxwell was physically restrained by a flight attendant and several passengers, and he remained restrained for the duration of the flight.

7. As a direct result of Maxwell's actions, the flight crew diverted SWA #1222 from its scheduled route to Love Field, in the Dallas Division of the Northern District of Texas.

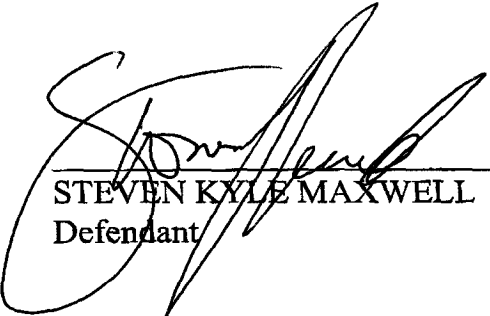
8. Maxwell's actions during the flight interfered with the ability of the flight crew and the flight attendants to perform of their official duties, and lessened their ability to perform those duties.

9. Following landing at Love Field, law enforcement officers removed Maxwell from the plane. The plane was on the ground at Love Field for approximately 30 minutes before it took off again and continued to Tulsa, as scheduled.


10. As a direct result of Maxwell's behavior, SWA incurred costs of at least \$800.00, including the costs of diverting the flight to Love Field.

AGREED TO AND SIGNED this 17<sup>th</sup> day of October, 2005.


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STEVEN KYLE MAXWELL  
Defendant



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